

ROBINSON, MCFADDEN & MOORE, P.C.

COLUMBIA, SOUTH CAROLINA

#### ROBINSON MCFADDEN

ATTORNEYS AND COUNSELORS AT LAW

Bonnie D. Shealy

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October 28, 2010

#### **VIA ELECTRONIC FILING**

Jocelyn Boyd, Interim Chief Clerk of the Commission Public Service Commission of South Carolina PO Drawer 11649 Columbia, SC 29211

Birch Communications, Inc.

Docket No. 2010-325-C Our File No. 30803-0001

#### DearJocelyn:

We are filing herewith the Affidavits of Publication from the following newspapers:

- 1. Greenville, The Greenville News;
- Columbia, The State; and 2.
- 3. Charleston, The Post and Courier.

If you have any questions, please have someone on your staff contact me.

Very truly yours,

ROBINSON, McFADDEN & MOORE, P.C.

Bonnie D. Shealy

BDS/tch

**Enclosures** 

Angela F. Collins, Esquire (via email) CC:

TONIC C. HAWKINS ROBINSON, MCFADDEN & MOORE PO BOX 944
COLUMBIA SC 29202

### AFFIDAVIT OF PUBLICATION

## The Post and Courier

State of South Carolina

County of Charleston

Personally appeared before me the undersigned advertising clerk of the above indicated newspaper published in the city of Charleston, county and state aforesaid, who, being duly sworn, says that the advertisement of

(copy	24	tan'	L.,	1)

appeared in the issues of said newspaper on the following day(s):

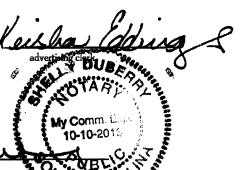
10/01/10 Fri PC 10/01/10 Fri CNW

at a cost of \$341.58 Account# 107217 Order# 396577 P.O. Number: 30803-0001

Subscribed and sworn to before

me this day of October

NOTARY PUBLIC, My commission expires







PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA CLERK'S OFFICE

#### NOTICE OF FILING

325-C, 1999-323-C 000 265 C AND 2001-21-C

Birch: Communications, the '('Birch Communications, to be '('Birch Communications'), Birch Telecom of the South, inc., dh/a Birch Communications ('Birch Communications') elecom") (collectively e "Company"); and matican Fiber Network o ("AFN" or "Seller") Birch Communication ed an Application with Public Service Com-salon of South Caroli-("Commission") for authority to transfer Sell-its telecommunications assets and South Carolicustomer base to the ompaný. This request is made pursuant to S.C. Code Ann. §§ 58-9-280, 58-9-300 and 58-9-310. he assets to be purdiased include customer accounts, accounts receivable, customer agreements and conaois, vendor agree-jents and contracts, and Relectual property.
cording to the Joint
plication, the prosed Transaction will be sparent to customers Will not have a negaelimpact on the public areat services to utility Carolina custies of competition. Copy of the Application of file in the offices of Commission, 101 cutive Center Drive, umbia, South Caroli-

mission's website at W psc sc gov under cket Number(s) 2010-30: 1999-322 C: 1999-323-C, 09265-C and 2001-100-255-C and 2001-CL A copy of the polication is also avail-ble from Bonnie D. nealy, Esquire, Robin-meradden & Moore, C. P.O. Box 944, olumbia, SC 29202.

29216 and on the

public hearing, if heduled, will be held in lumbla, South Caroli-in the offices of the minission at the above ress, for the purpose ecelvina testimony diction estimated the control of control of

arties at a later date. irticipate in this matgras a party of record With the fight of cross-examination, should file Reution to Intervene in scordance with the omnission's Rules of ice and Procedure oribefore October 28.
D. and Indicate the dunt of time required his presentation. ress for receipt of nidence in the Retition Intervene. Please er≕to Docket Nos. 325-C, 1999-323-2000-265-C and 2001-21-C

#### THE STATE MEDIA CO., INC. Columbia, South Carolina publisher of

The State

## Ital Telecom and AFN STATE OF SOUTH CAROLINA DECrysty, the "Joint COUNTY OF RICHLAND

Personally appeared before me, Brian Nalepa, Advertising Operations Manager of THE STATE, and makes oath that the advertisement,

Notice of Filing - Docket Nos. 2010-325-C, 1999-323-C, 2000-265-C and 2001-21 C- Birch Communications Inc.

was inserted in THE STATE, a daily newspaper of general circulation published in the City of Columbia, State and County aforesaid, in the issue(s) of

October 1, 2010

3:1h

Subscribed and sworn to before me

on this day

March 10, 2013

October 5, 2010

My commission expires

**Notary Public** 

"Errors- the liability of the publisher on account of errors in or omissions from any advertisement will in no way exceed the amount of the charge for the space occupied by the item in error, and then only for the first incorrect insertion."

his and present evi-example the hearing descript the Clerk's standwriting, at the as below the Office adulatory Staff, at Main Street, Suite accolumbia 2 South dress on or before to the core to the core of the core ket Nos. 2010 1999-323-C

erson who wishes notified of any Se notified of any construction of any construction of a construct

in person who wishes of have his or her com-ments agnisidered as part of his of his or her com-nents agnisidered as part of his ordered of his ordered in MUSI.

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100 MiDio Service Commis-Sentor South Carolina Attn. : Clerk's Office ost Office Drawer 11649 Çolumbia,

outh Carolina 29211

# The Greenville News greenvilleonline.com

## **AFFIDAVIT**

I, Sugan Mullinas,	being the			
Advertising Sales Agent for Gannett, Inc., do hereby				
the attached legal ad was published on				
10.5	_,.2010,			
	_			
in The Greenville News and/or The Tribune Times.				
·				
dosa Alullere				
Sales Agent				
Carlotta S. Bill				
Carlotta G. Bell				
Notary Public for the State of South Carolina				
My Commission Expires July 22, 2020				
OTTA G				
ONOTARY				
O. NOTARY				

Ad Text:

4648944PUBLIC SERVICECOMMISSIONOF SOUTHCAROLINA CLERK'S OFFICE NOTICE OF FILING DOCKET NOS. 2010-325-C, 1999-323-C, 2000-265-C AND 2001-21-C Birch Communications, Inc. ("Birch Commu-nications" or "Purcha-ser"); Birch Telecom ofthe South, Inc., d/b/aBirch Communications("Birch Telecom") (co-llectively the "Comp-any"); and AmericanFiber Network, Inc.("AFN" or "Seller")(Birch Communica-tions, Birch Telecomand AFN collectively,the "Joint Applicants") have jointly filed an Ap-plication with the Pub-lic Service Commissionof South Carolina ("C-ommission") for au-thority to transfer Sell-er's telecommunica-tions assets and SouthCarolina customer baseto the Company. This request is made pursu-ant to S.C. Code Ann. §§58-9-280, 58-9-300 and 58-9-310. The assets to be purchased includecustomer accounts, ac-counts receivable, cus-tomer agreements and contracts, vendoragreements and con-tracts, and intellectual property. According to the Joint Application, the proposed Trans-action will be transpa-rent to customers andwill not have a negative impact on the public in-terest, services to South Carolina custom-ers, or competition. A copy of the Applica-tion is on file in the of-fices of the Commis-sion, 101 Executive Cen-ter Drive, Columbia, South Carolina 29210 and on the Commis-sion's website atwww.psc.sc.gov underDocket Number(s) 2010-325-C, 1999-323-C, 2000-265-C and 2001-21-C. Acopy of the Application also available from Bonnie D. Shealy, Es-quire, Robinson, McFadden & Moore, PC, P.O. Box 944, Columbia, SC 29202. A public hearing, ifscheduled, will be heldin Columbia, South Car-olina, in the offices of the Commission at the above address, for thepurpose of receiving testimony and other evidence from all inter-ested parties regardingthis Application. Thetime and date of thishearing will be fur-nished to all interested parties at a later date. Any person who wishesto participate in thismatter, as a party of re-cord with the right ofcross-examination, should file a Petition toIntervene in accor-dance with the Com-mission's Rules of Practice and Procedure onor before October 28,2010, and indicate the amount of time re-quired for his presenta-tion. Please include anemail address for rec-eipt of future Commis-sion correspondence in the Petition to Inter-vene. Please refer toDocket Nos. 2010-325-C,1999-323-C, 2000-265-Cand 2001-21-C. Any person who wishesto testify and presentevidence at the hearingshould notify the Clerk's Office, in writing, at the address be-low, the Office of Regu-latory Staff at 1401 Main Street, Suite 900, Columbia, South Caroli-na 29201, and Bonnie D.Shealy, Esquire, at theabove address, on orbefore October 28, 2010, and indicate theamount of time re-quired for his presenta-tion. Please

refer toDocket Nos. 2010-325-C,1999-323-C, 2000-265-Cand 2001-21-C. Any person who wishesto be notified of anychange in the hearing, but does not wish topresent testimony orbe a party of record, may do so by notifyingthe Clerk's Office, inwriting, at the addressbelow on or before Oc-tober 28, 2010. Pleaserefer to Docket Nos.2010-325-C, 1999-323-C,2000-265-C and 2001-21-C. PLEASE TAKE NOTICE: Any person who wishesto have his or her com-ments considered aspart of the official re-cord of this proceeding MUST present suchcomments, in person, to the Commission dur-ing the hearing. Persons seeking infor-mation about the Com-mission's Procedures should contact the Commission at (803)896-5100. Public Service Commis-sion of South Carolina Attn: Clerk's Office Post Office Drawer11649 Columbia, SouthCarolina 29211

#### THANK YOU FOR YOUR ADVERTISEMENT!

If I can be of further assistance, please call: 864-298-4100

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